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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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David M. Bohannon

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WIGGIN AND DANA LLP
ATTENTION: PATENT DOCKETING
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EXAMINER

CARTER, CANDICE D

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/646,177	Applicant(s) BOHONNON, DAVID M.	
	Examiner CANDICE D. CARTER	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The following is a Final Office Action in response to communications received January 18, 2008. Claims 1,3,5, and 6 have been amended, no claims have been canceled, and claims 9-11 have been added. Therefore, claims 1-11 are pending and addressed below.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Pragelas et al. (US 2002/0095308) in view of Barts et al. (US 2002/0082893).

As per claim 1, Pragelas discloses "A system for tracking and monitoring activities related to a sales transaction for an object of value" (pg 1, col. 1, ¶ 1; via facilitating and monitoring shipping transactions and tracking the location of vehicles utilized therefor), "the system comprising:

at least one client device operable by at least one of a plurality of users of the system" (pg. 3, col. 2, ¶ 31; via terminal allowing a user to access the central server. Where the terminal can be a personal computer, which is the client device);

"at least one centralized data store for storing information that includes data [pertaining to the shipment], the plurality of users of the system, activities related to the

sales transaction, and documents for completing the sales transaction” (pg. 2 col. 1, ¶ 11; via central site including a database, that database including a sending party record, a receiving party record, and a shipping party record, the central site capable of collecting information regarding a load of goods, making available the location information and bill of lading for access by at least one of said parties via the electronic network. Where the sending party, receiving party and shipping party record includes data about the plurality of users and the rest of the information available is the transaction data including the plurality of activities and documents); “and

a controller, operatively coupling the at least one client device and the at least one centralized data store” (pg. 4, col. 2, ¶ 37; via allowing communications, data display, and data entry between a remote client site and a central server via a website or other interface generated by a central server), the controller selectively providing access to information stored in the data store for tracking and monitoring the activities performed and documents created, reviewed and completed by parties to the sales transaction” (pg. 4, col. 2, ¶ 38; via using the central server website an account exists in the user accounts. The account includes user ID, password, and user profile information. To access and communicate interactively with the central server a party uses its user ID and password to log onto the website. The use of user accounts within the system suggests that the controller is selectively providing access to certain information to only those users that have accounts).

Pragelas et al., however, fails to disclose the fact that the transaction includes a specific “object of value”. Barts et al. discloses an “object of value” (abstract via

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vehicles). Therefore it would have been obvious to one having ordinary skill in the pertinent art at the time the invention was made to modify the method for facilitating shipment transaction creation and monitoring of Pragelas et al. to include the delivery system and method for vehicles as taught by Barts. This is because the shipping transaction could involve the shipping of any object and it is well known that vehicles are often shipped from manufacturer to dealer, dealer to dealer, dealer to customer, etc.

As per claim 2, Pragelas discloses all of the elements of the claimed invention but fails to disclose “the object of value is comprised of one of a yacht, boat, ship, marine vessel, aircraft, motor vehicle, other transportation vehicles and real estate for personal, commercial and/or recreational use”. Barts et al. discloses “the object of value is comprised of one of a yacht, boat, ship, marine vessel, aircraft, motor vehicle, other transportation vehicles and real estate for personal, commercial and/or recreational use” (abstract via vehicles). Therefore it would have been obvious to one having ordinary skill in the pertinent art at the time the invention was made to modify the method for facilitating shipment transaction creation and monitoring of Pragelas et al. to include delivery system and method for vehicles as taught by Barts. This is because the shipping transaction could involve the shipping of any object and it is well known that vehicles are often shipped from manufacturer to dealer, dealer to dealer, dealer to customer, etc.

As per claim 3, Pragelas et al. further discloses “a user interface providing a graphical representation of the sales transaction and the plurality of activities and documents” (pg. 3, col. 1, ¶ 26; via a web server connected to or included in the central

server, provides a user interface, preferably based on a web site. Where the web site is the graphical representation. And via central server includes one or more databases storing a plurality of user records or accounts, transaction information, and other information of interest.)

As per claim 4, Pragelas et al. further discloses, “the graphical representation further includes information regarding a current status of the activities and documents” (pg. 2 , col.1, ¶ 12; via permitting said party in interest to have access, via the central site, to information concerning the location of the vehicle, to the status of collection of said pick up notification, and to the status of the collection of said proof of delivery information).

As per claim 5, Pragelas et al. further discloses, “the current status includes one of pending, closed, and aborted” (pg. 3, col. 1, ¶ 2; via electronically notifying a storage facility of a sending party’s instruction that an outgoing load be released from the facility for the delivery; electronically notifying a carrier that the load is available for pickup. Where both of these notifications suggest a “pending” status of delivery).

As per claim 6, Pragelas et al. further discloses “the controller further includes a notification engine providing messages to the parties to the sales transaction corresponding to the activities” (pg. 5, col. 1, ¶ 44; via the notification can be, for example, via e-mail or via pop-up message at the party’s terminal or vehicle terminal. Where the messages pertain to the transaction).

As per claim 7, Pragelas et al. further discloses, “interface between the controller and an external data source including information related to the object of value” (pg. 4,

col. 1, ¶ 36; via preferably during operation, the vehicle terminal displays data and allows the input of data which is transmitted to and received from the central server via the vehicle processor. Where the vehicle terminal is the external data source and the central server is the controller.).

As per claim 8, Pragelas et al. discloses all of the elements of the claimed invention but fails to disclose “the plurality of users includes at least one of a dealer or broker, an escrow agent, a documentation agent, a buyer or seller of the object, a manufacturer or builder of the object, a wholesale finance or floor plan provider, a retail bank or financial institution, an insurance underwriter, agent or broker, a marine surveyor 10 and a system administrator or closing coordinator”. Barts et al. discloses “the plurality of users includes at least one of a dealer or broker, an escrow agent, a documentation agent, a buyer or seller of the object, a manufacturer or builder of the object, a wholesale finance or floor plan provider, a retail bank or financial institution, an insurance underwriter, agent or broker, a marine surveyor and a system administrator or closing coordinator” (abstract via managers of a manufacturing plant).

Therefore it would have been obvious to one having ordinary skill in the pertinent art at the time the invention was made to modify the method for facilitating shipment transaction creation and monitoring of Pragelas et al. to include the vehicle delivery system as taught by Barts et al. This is because the shipping transaction could involve the shipping of any object and it is well known that vehicles are often shipped from manufacturer to dealer, dealer to dealer, dealer to customer, etc.

As per claim 9, The Pragelas et al. and Barts et al. combination discloses all of the elements of the claimed invention but fails to explicitly disclose "external data source is searchable".

Examiner takes Official Notice that it is old and well known for data sources to be searchable. For example, if a user inputs data into a database pertaining to a sales transaction then that data would be stored in the data source for future use. If the user wanted to retrieve the sales transaction data then they may access the database and would search through the database in order to retrieve the desired information.

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the method for facilitating shipment transaction creation and monitoring of Pragelas et al. to include a searchable data source in order to allow a user to easily retrieve desired data.

As per claim 10, Pragelas et al. further discloses "information is necessary to complete said sales transaction" (§ 24 discloses data terminals communicating information to the shipping transaction processor throughout the course of the transaction).

As per claim 11, Pragelas et al. further discloses "data store is a repository of data and has archival and retrieval functionality" (claim 1 discloses a database storing a plurality of party records and which is operable to retrieve location and billing information).

Response to Arguments

Applicant's arguments filed January 31, 2008 have been fully considered but they are not persuasive. Applicant's invention discloses a system and method for monitoring and conducting transactions of objects of value. Pragelas et al. discloses a system and method for facilitating a shipment transaction creation and monitoring. Barts et al. discloses a delivery system and method for vehicles and the like. It is common in the field of monitoring and conducting transactions to provide a tracking system that facilitates the steps of a transaction.

Applicant's amendments to the claims include the addition of a "sales transaction" as opposed to the broadly recited "transaction" as claimed in the original claims. Claim 1 recites "data store for storing information that includes data identifying the object of value, the plurality of users of the system, activities related to the sales transaction, and documents" and "data store for tracking and monitoring activities performed and documents created, reviewed and completed by parties to the sales transaction". It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham, 2 USPQ2d 1647 (1987)*. Therefore, the newly added limitation, "for storing activities related to a sales transaction", has not been given patentable weight.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., facilitating a sales transaction) are not recited in the rejected claim(s). Although

the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, Examiner notes that a shipping transaction will, inherently, involve a sales transaction as shipping is a service that is sold.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McAvoy et al. (2002/0095385) discloses a method and apparatus for performing a paperless real-estate transaction over a computer network using participant templates. Pianin (2002/0062218) discloses a method and system for providing property management services in an on-line computing environment. Raveis, JR. (2001/0005829) discloses a system and method for managing customer relationships over a distributed computer network. Triola (7,127,406) discloses a method and apparatus for processing escrow transactions. Hastings (6,751,596) discloses a system and method for tracking, monitoring, and supporting self-procuring principals in real estate transactions.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CANDICE D. CARTER whose telephone number is (571) 270-5105. The examiner can normally be reached on Monday thru Thursday 7:30am- 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/John G. Weiss/
Supervisory Patent Examiner, Art Unit 3629